



LEGISLATURE

MINUTES

EXECUTIVE OFFICES AND CRIMINAL JUSTICE

APPROPRIATIONS SUBCOMMITTEE

Wednesday, January 29, 2020 | 8:00 a.m. | 25 House Building

Members Present:

Sen. Jacob L. Anderegg, Senate Chair
Rep. Eric K. Hutchings, House Chair
Rep. Joel Ferry, House Vice Chair
Sen. Curtis S. Bramble
Sen. Lincoln Fillmore
Sen. Wayne A. Harper
Sen. Derek L. Kitchen
Sen. Daniel McCay
Rep. Cheryl K. Acton
Rep. James A. Dunnigan
Rep. Brian S. King

Rep. Carol Spackman Moss
Rep. Marc K. Roberts
Rep. Angela Romero

Members Absent:

Sen. David G. Buxton
Rep. Kyle R. Andersen

Staff Present:

Gary R. Syphus, Finance Manager
Alexander R. Wilson, Financial Analyst
Linda Service, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

1 . 8:00 am: Call to Order/Approval of Minutes

Chair Anderegg called the meeting to order at 8:03 a.m.

2 . 8:01 am: Budget Overview

In response to an issue stated by Chair Angeregg related to one-time funding that was used last year for ongoing obligations, Gary Syphus, Finance Manager, Office of Legislative Fiscal Analyst (LFA), reported that last December the Executive Appropriations Committee (EAC) moved to restore those funds. He addressed the budget overview, EAC instructions, Legislator tools, the Base Budget Bill, and responded to questions from committee members.

[2a-Budget Overview for EOCJ](#)

[2b-Budget Reduction Bill Ideas](#)

[2c-2020 EOCJ Session Calendar](#)

Linked EOCJ Base Budget Bill (HB0006)

Alex Wilson, Financial Analyst, LFA, introduced the budget reduction process with options to consider if any committee members are looking for ideas for a bill.

3 . 8:15 am: Unfinished Accountable Budget Process Business

Alex Wilson introduced items from the Accountable Budget Process that did not have any action taken on them during the Interim. He suggested committee members review them for voting at the end of the subcommittee. He highlighted items such as: Restoration of County Incentive Grants, Salt Lake County Jail Bed Housing Funding, creating a line item in the Attorney General's Office to move lawsuits, and Lt. Governor's Voting Equipment. He responded to questions from the committee.

[3a-Remaining Voting Requirements](#)

[3b-Surcharge Table](#)

[3c-New Election System Funding Letter](#)

Rep. Hutchings and Chair Anderegg reminded committee members of the importance of looking at efficiencies and reallocated funds.

Alex Wilson directed the discussion to the Surcharge Table, Criminal Surcharge Funds. There has been a decrease in funding affecting all the programs funded by the Criminal Surcharge. He discussed a prioritization process to adjust the programs being funded out of the Criminal Surcharge.

Alex Wilson and Rep. Ferry responded to Rep. Dunnigan's request for clarification of the term "over appropriation" in the Surcharge Table. A discussion with Rep. Hutchings followed related to the decline in funding.

MOTION: Rep. Roberts moved to approve the minutes of the January 30, 2019; February 1, 2019; February 5, 2019; February 7, 2019; February 11, 2019; February 13, 2019; February 15, 2019; June 18, 2019; August 20, 2019, and October 15, 2019 meetings. The motion passed with a vote of 13 - 0 - 3.

Yeas-13

Rep. C. Acton
Sen. J. Anderegg
Sen. C. Bramble
Rep. J. Dunnigan
Rep. J. Ferry
Sen. W. Harper
Rep. E. Hutchings
Rep. B. King
Sen. D. Kitchen
Sen. D. McCay
Rep. C. Moss
Rep. M. Roberts
Rep. A. Romero

Nays-0

Absent-3

Rep. K. Andersen
Sen. D. Buxton
Sen. L. Fillmore

4 . 8:40 am: Performance Measure Discussion

Alex Wilson addressed the need of government agencies to be able to judge their performance. He commented on potential motions and performance measures.

[4a-Performance Presentation](#)

Sen. Bramble requested that he and Rep. King be considered a yes vote on the above minutes as they had stepped out during the vote. Chair Anderegg affirmed that would be an appropriate correction without objection.

Alex Wilson continued his presentation. He has asked several agencies - Attorney General's Office (AOG), Commission on Criminal and Juvenile Justice (CCJJ), Courts, Juvenile Justice System (JJS), Board of Pardons and Parole (BOPP) - to: report on the purpose of their existence; measure how well they do at their purpose; and present a quarterly review of performance.

Rep. Hutchings suggested there could be additional measures related to non-criminal justice agencies.

Attorney General's Office

Alex Wilson introduced AOG and noted they are working towards conversion of the final portion of the Child Protection Division from AGO to the Internal Service Fund (ISF) model. They will also begin moving the final phase of portions of the Criminal Division. He also discussed salary increases at AGO, a request by Higher Education for a "not to exceed" clause, and options to consider for budget reductions.

[5a-AG Pay Comparison](#)

[5b-AG Budget Requests](#)

Sean Reyes, Utah Attorney General, introduced Ric Cantrell, Chief of Staff, AGO. General Reyes discussed funding issues facing his office such as a hiring and retention crisis, building blocks, Children's Justice Center, and flexibility adjustments.

Ric Cantrell reiterated the position taken by General Reyes noting the committee has many competing priorities but he felt it necessary to present an honest analysis of their needs to do the job right.

Rep. King expressed appreciation to AGO for their dedication to and work for the State of Utah. He noted the importance of acceptable case load numbers and asked General Reyes to explain his rationale to have the Affordable Care Act (ACA) declared unconstitutional.

General Reyes responded to Rep. King's concern related to the effort to repeal the ACA. A discussion followed.

Rep. Hutchings asked for clarification on rate setting for ISF and case load growth in relation to funding increase and additional funding. A discussion followed with General Reyes.

Rep. Hutchings asked if the committee has any impact on the ISF rate setting decision-making. Alex Wilson responded that the final decision is made by the Legislature. He then commented on the process.

Rep. King noted the importance of good quality representation and adequate compensation.

Chair Anderegg expressed the need for direction to help the constituency understand the constraints and structural imbalance in the budget.

Board of Pardons and Parole

Gary R. Syphus, LFA introduced BOPP and addressed the Budget Bill.

[6a-BOPP Presentation](#)

Carrie Cochran, Chair, BOPP, introduced Bev Uipi, Deputy Director, BOPP, and presented an overview of the agency, including the electronic records project, staffing, and current operations.

Bev Uipi responded to a request from the Chairs for an update on the scanning process. They offered their support for the project.

Carrie Cochran continued her presentation addressing indeterminant sentencing, along with addressing complexities and interdependent operations within the agency,

Bev Uipi continued the discussion reporting that the Board relies on evidence based practices and standards. Critical to the process is using validated risks, needs assessments, and offenders' plan for release.

Carrie Cochran spoke to the importance of timely decisions - smart scheduling.

Rep Hutchings suggested well managed expectations with regard to board hearings could enhance the process for all involved. He offered support for issues that might be causing delays or the inability to do good things. Chair Anderegg stated the importance of having data when asking for support.

Carrie Cochran continued the presentation noting the need to publish results and decisions in a timely manner.



Bev Uipi discussed the transition to an electronic records management system. She highlighted their web site enhancements which have increased transparency and shared accomplishments and challenges.

Carrie Cochran commented on the increase the Board has experienced in decision and hearing numbers over the last year noting the impact those numbers have had on staff workload.

Bev Uipi addressed two main challenges: (1) IT resources to continue and maintain electronic records, and (2) staff resources to address critical needs. She responded to concerns from the Chairs related to electronic record keeping and retirement. She requested additional support staff, including a defense attorney

Rep. Ferry asked if the funding request for a defense attorney could be taken care of through existing agencies rather than outsourced.

Rep. Hutchings noted the critical role the agency plays and offered his support while asking for clarification of their budget needs. Bev Uipi and Carrie Cochran responded.

5 . 10:50 am: Other Business/Adjourn

MOTION: Rep. Roberts moved to adjourn.

Chair Anderegg adjourned the meeting at 10:55 a.m.